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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,354	03/16/2001	Patrice Veres	DF-B98/3604U	7826
466	7590	08/03/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			JELINEK, BRIAN J	
			ART UNIT	PAPER NUMBER
			2615	
			DATE MAILED: 08/03/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

SR

## Office Action Summary

Application No.

09/787,354

Applicant(s)

VERES ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____  |

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### **DETAILED ACTION**

This is a first office action in response to application no. 09/787,354 filed on 3/16/2001 in which claims 1-2, and 12-22 are presented for examination.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 98/11575, filed on 9/16/1998.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

#### ***Claim Objections***

Claims 14, and 18 are objected to because of the following informalities: there is insufficient antecedent basis for the limitation in the claim.

Claim 14 recites the limitation "the required series" in line 4 of the claim.

Claim 18 recites the limitation "the first screen" in line 2 of the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 12-13, 16-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (U.S. Pat. No. 6,563,542), in view of Anderson et al. (U.S. Pat. No. 6,097,431), in view of examiner's Official Notice, and further in view of Ludwig et al. (U.S. Pat. No. 5,689,641).**

Regarding claim 1, Hatakenaka et al. teaches a system for obtaining digital photographs, including an interactive terminal (see Fig. 3 and note that the camera is considered to be an interactive terminal since it may be interacted with by a user) including means for reading a card (col. 6, lines 4-12), means for printing photographs (col. 6, lines 44-47; col. 2, lines 16-19), means for immediately displaying photographs downloaded from the card (col. 6, lines 4-12), and means for commanding the printing of a displayed photograph (Figs. 4a and 4b; col. 6, lines 28-37), including a digital camera with a memory card (col. 4, lines 27-30), the interactive terminal includes means for deleting the memory card of a digital camera (col. 7, lines 28-30).

Hatakenaka et al. also teaches a screen which serves as a display means capable of displaying a sequence of photographs, one at a time, and which also serves as a command means capable of commanding the printing of a displayed photograph (Fig. 4a and 5a). Hatakenaka et al. also teaches commanding the display of a following photograph in the same sequence (col. 6, lines 4-27).

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Furthermore, Hatakenaka et al. teaches a command to print a photograph, displayed exclusively in the sequence (col. 6, lines 4-37; Fig. 4a and 4b).

Hatakenaka et al. also suggest a command to return to the image previously displayed (col. 2, lines 28-34; col. 6, lines 54-55; Figs. 4a and 4b). Although Hatakenaka et al. does not explicitly teach that after selecting 'End' in the print menu of Fig. 4a the display returns to the previously displayed image (photograph), Hatakenaka et al. clearly teaches moving between a next and previous menu (col. 2, lines 28-34). Official Notice is given that one of ordinary skill in the art at the time of the invention would reasonably be expected to design the user interface to return to the previously displayed image (photograph) after selecting 'END' in the print menu of Fig. 4a.

Hatakenaka et al. does not teach the idea of navigating through photographs by viewing multiple photographs simultaneously in a series, the capability to view an additional series of photographs, and selecting a particular photograph from among the series of photographs. In particular, Hatakenaka et al. does not teach that the first image includes a series of photographs, a command to display another series of photographs, and a first image further includes a command to display exclusively one photograph from the displayed series, and it is to this first image that Hatakenaka et al. camera would return after implementation of the 'END' command.

However, Anderson et al. teaches a general method of organizing a plurality of pictures into pages (or series) (constituting a first image) of miniature versions of the pictures (Figs. 8, 10, and 12a; col. 6, lines 10-32). Furthermore,

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Anderson teaches navigating between pages and selecting a given miniature picture from a displayed page for exclusive viewing (Fig. 12, 13, 20a; col. 6, lines 47-53; col. 8, lines 62-col. 9, line 4). One of ordinary skill in the art would have provided the picture navigation method of Anderson et al. for the purpose of quickly finding and selecting a desired picture from a plurality of pictures. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the picture navigation method of Anderson et al. to improve the means by which a photograph is viewed and selected for printing in Hatakenaka et al. As a result, the combination of Hatakenaka et al. and Anderson et al. teaches a first image (consisting of a page/series) includes a command to display exclusively and print one photograph from the displayed series, and it is to this first image that Hatakenaka et al. camera would return after implementation of the 'END' command.

Hatakenaka et al. and Anderson et al. ('431) do not teach a command to print is displayed on an image. However, Ludwig et al. shows a print command button is displayed on an image (Fig. 37; col. 37, lines 11-13). One of ordinary skill in the art would have provided the print command button of Ludwig et al. for the purpose of clearly indicating to the user that the image may be printed and also to provide a means by which a user can command printing. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the print command button of Ludwig et al. in order to indicate to the user that the image may be printed and also to provide a means by which a user can command printing.

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Hatakenaka et al. does not teach that the display means and the command means consist of a touch screen. However, it is well known in the art to combine display and user input buttons in a touch screen for the purpose of eliminating a number of buttons and making a more direct and intuitive user interface. Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a touch screen for the user interface buttons and display taught in Hatakenaka et al. for the purpose of combining display and input functions and to eliminate the need for a number of buttons because a touch screen is an obvious variation of user displays and interfaces.

Although Hatakenaka et al. teaches a removable memory card (col. 4, lines 27-30), it is not specifically taught that the removable memory card can be a PCMCIA memory card. However, Official Notice is given that one of ordinary skill in the art at the time of the invention would have known to configure a removable memory card as a PCMCIA memory card because PCMCIA memory cards are a well known type of removable memory in the art.

Regarding claim 12, Hatakenaka et al. teaches a method of obtaining digital photographs from a digital camera with a memory card (Fig. 1, element 6; col. 4, lines 27-30), a means to delete the content of the memory card (col. 7, lines 28-30), displaying photographs on a screen (col. 6, lines 4-12), a photograph is printed at the command of a user of the terminal (Figs. 4a and 4b; col. 6, lines 28-37 and lines 44-47; col. 2, lines 16-19).

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Hatakenaka et al. does not specifically teach that the content of the memory card is stored in the interactive terminal after being read from the memory card. However, Hatakenaka et al. does teach that a decoding/encoding unit (Fig. 1, element 5), a signal processing unit (Fig. 1, element 4), and a display control unit (Fig. 1, element 7) operate on data read from the memory card for showing an image on the display (col. 6, lines 4-12). In order to show an image on the display, it is clear that image data corresponding to the content of the memory card must be stored in these processing units to refresh the display. As a result, it is obvious that Hatakenaka et al. provides storage for the content of the memory card in the processing units after image data is read from the memory card.

Hatakenaka et al. does not specifically teach that the content of the memory cards is deleted following the reading and storing of the content of the memory card. However, Hatakenaka et al. does provide a means to delete the content of the memory card (col. 7, lines 28-30). Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time of the invention to delete the content of the memory card after reading and storing the content of the memory card because a user would clearly delete the content of the memory card after the reading and storing of the content of the memory card if the images were no longer needed.

Although Hatakenaka et al. teaches a removable memory card (col. 4, lines 27-30), it is not specifically taught that the removable memory card can be a PCMCIA memory card. However, Official Notice is given that one of ordinary



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skill in the art at the time of the invention would have known to configure a removable memory card as a PCMCIA memory card because PCMCIA memory cards are a well known type of removable memory in the art.

Hatakenaka et al. also teaches the display means is capable of displaying a sequence of photographs, one at a time, and the command means is capable of commanding the display of a following photograph in the same sequence (col. 6, lines 4-27). Furthermore, Hatakenaka et al. teaches a command to print a photograph, displayed exclusively in the sequence (col. 6, lines 4-37; Fig. 4a and 4b).

Hatakenaka et al. does not teach the idea of navigating through photographs by viewing multiple photographs simultaneously in a series, the capability to view an additional series of photographs, and selecting a particular photograph from among the series of photographs. In particular, Hatakenaka et al. does not teach that the first image includes a series of photographs, a command to display another series of photographs, and a first image further includes a command to display exclusively one photograph from the displayed series.

However, Anderson et al. teaches a general method of organizing a plurality of pictures into pages (a series) (constituting a first image) of miniature versions of the pictures (Figs. 8, 10, and 12a; col. 6, lines 10-32). Furthermore, Anderson teaches navigating between pages and selecting a given miniature picture from a displayed page for exclusive viewing (Fig. 12, 13, 20a; col. 6, lines 47-53; col. 8, lines 62-col. 9, line 4). One of ordinary skill in the art would have

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provided the picture navigation method of Anderson et al. for the purpose of quickly finding and selecting a desired picture from a plurality of pictures. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the picture navigation method of Anderson et al. to improve the means by which a photograph is viewed and selected for printing in Hatakenaka et al. As a result, the combination of Hatakenaka et al. and Anderson et al. teaches a first image (consisting of a page/series) includes a command to display exclusively and print one photograph from the displayed series.

Hatakenaka et al. also suggest a command to return to the image previously displayed (col. 2, lines 28-34; col. 6, lines 54-55; Figs. 4a and 4b). Although Hatakenaka et al. does not explicitly teach that after selecting 'End' in the print menu of Fig. 4a the display returns to the previously displayed image (photograph), Hatakenaka et al. clearly teaches moving between a next and previous menu (col. 2, lines 28-34). One of ordinary skill in the art would reasonably be expected to design the user interface to return to the previously displayed image (photograph) after selecting 'END' in the print menu of Fig. 4a.

Hatakenaka et al. and Anderson et al. ('431) do not teach a command to print is displayed in an image. However, Ludwig et al. shows a print command button is displayed in an image (Fig. 37; col. 37, lines 11-13). One of ordinary skill in the art would have provided the print command button of Ludwig et al. for the purpose of clearly indicating to the user that the image may be printed and also to provide a means by which a user can command printing. As a result, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to provide the print command button of Ludwig et al. in order to indicate to the user that the image may be printed and also to provide a means by which a user can command printing.

Hatakenaka et al. does not teach that the display means and the command means consist of a touch screen. However, it is well known in the art to combine display and user input buttons in a touch screen for the purpose of eliminating a number of buttons and making a more direct and intuitive user interface. Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a touch screen for the user interface buttons and display taught in Hatakenaka et al. for the purpose of combining display and input functions and to eliminate the need for a number of buttons because a touch screen is an obvious variation of user displays and interfaces.

Regarding claim 13, Hatakenaka et al. teaches a multimedia application is launched at variable intervals because an image is capable of being presented in multiple formats, namely on a video display and in print at the user's discretion (col. 4, lines 40-42; col. 6, lines 27-54). Furthermore, Hatakenaka et al. teaches a multimedia application is launched at variable intervals because a user can selectively superimpose a time, date, and index number on an image (Fig. 7; col. 8, lines 4-9), thus combining images and text as multimedia.

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Regarding claim 16, Anderson et al. ('431) teaches that an exclusive display command is the photograph selected for display itself (Fig. 12, and 20a; col. 6, lines 47-53; col. 8, lines 62-col. 9, line 4).

Regarding claim 17, Hatakenaka et al. teaches that a reference number is allocated to each photograph, displayed on the screen and printed (Fig. 7; col. 8, lines 4-9; col. 1, line 63-col. 2, line 6).

Regarding claim 22, Hatakenaka et al. teaches a command to print contact sheets combining a plurality of photographs in a smaller format (Fig. 5b, and 5c; col. 6, lines 43-51).

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (U.S. Pat. No. 6,563,542), in view of Anderson et al. (U.S. Pat. No. 6,097,431), in view of examiner's Official Notice, in view of Ludwig et al. (U.S. Pat. No. 5,689,641), and further in view of Anderson (U.S. Pat. No. 6,122,003).**

Regarding claim 2, Hatakenaka et al. and Anderson et al. ('431) do not teach that photographs are scrolled continuously at predetermined time intervals.

However, Anderson ('003) does teach that photographs are scrolled continuously at predetermined time intervals (col. 6, lines 36-51). One of ordinary skill in the art would have provided the slide show display mode of Anderson ('003) for the purpose of displaying a series of photographs automatically without requiring a user to repeatedly press a button to advance through a plurality of pictures. As a result, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to provide the slide show mode of Anderson ('003) for the purpose of automatically displaying a sequence of photographs.

**Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (U.S. Pat. No. 6,563,542), in view of Anderson et al. (U.S. Pat. No. 6,097,431), in view of examiner's Official Notice, in view of Ludwig et al. (U.S. Pat. No. 5,689,641), and further in view of Dow et al. (U.S. Pat. No. 6,611,291).**

Regarding claim 14, Anderson et al. ('431) teaches a display command provides access to one or more third images (col. 6, lines 47-53; Fig. 12 and 12a). Furthermore, Hatakenaka et al. teaches a set of series pictures and providing a frame number of a picture (Fig. 7; col. 8, lines 4-9; col. 1, line 63-col. 2, line 6). Hatakenaka et al. does not teach that it is shown on an image a series identifier number identifying a command to display a required series.

However, Dow et al. teaches a series identifier number on an image identifying a command to display a required series (Figs. 9a, 9b, and 9c; col. 8, lines 37-45; col. 9, lines 33-37). One of ordinary skill in the art would have provided the series identifier number of Dow et al. with the teaching of Hatakenaka et al. and Anderson et al. in order to provide the user with a reference number of a series of images to assist in navigating and locating desired pictures and series of pictures. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the user

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with a reference number of a series of images to assist in navigating and locating desired pictures and series of pictures.

Regarding claim 15, Dow et al. teaches a series identifier number on an image identifying a command to display a required series (see the 103 rejection of claim 14). Dow et al. also shows a circular sensor area displaying an identifier number of the series currently being displayed (Figs. 9a, 9b, and 9c).

**Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (U.S. Pat. No. 6,563,542), in view of Anderson et al. (U.S. Pat. No. 6,097,431), in view of examiner's Official Notice, in view of Ludwig et al. (U.S. Pat. No. 5,689,641), in view of Dow et al. (U.S. Pat. No. 6,611,291), and further in view of Henderson, Jr. et al. (U.S. Pat. No. 5,072,412).**

Regarding claim 18, Hatakenaka et al. teaches deleting photographs (Fig. 6a) ; Anderson et al. ('431) shows a series has background; and further, that a top lateral area of the background is undifferentiated from the rest of the background (Fig. 8, area surrounding images). Furthermore, Dow et al. ('291) teaches by incorporation (col. 1, lines 15-17; Dow et al.: U.S. Pat. No. 6,292,273) deleting a selected page (photograph) (col. 8, lines 14, and 33-44) and a command to confirm deletion (Fig. 10). Hatakenaka et al., Anderson et al., Dow et al., and Ludwig et al. do not teach that a delete command takes the form of the undifferentiated top lateral area.

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However, Henderson, Jr. et al. teaches launching a menu when a user selects a location in the display background (col. 24, lines 14-22). Clearly, after combining the teaching of Anderson et al., Dow et al., and Henderson, Jr. et al., it would have been obvious to one of ordinary skill in the art to provide a command to delete photographs in the form of an undifferentiated top lateral area, in order to provide access to menus to perform operations on displayed images without reducing display area required by a fixed menu toolbar. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide on a first screen a command to delete photographs taking the form of an undifferentiated top lateral area providing access to a command to confirm deletion formed by the photograph selected to be deleted itself.

Regarding claim 19, Anderson et al. ('431) teaches a general method of organizing a plurality of pictures into pages (or series) (constituting a first image) of miniature versions of the pictures (Figs. 8, 10, and 12a; col. 6, lines 10-32). Furthermore, Anderson teaches navigating between pages and selecting a given miniature picture from a displayed page for exclusive viewing (Fig. 12, 13, 20a; col. 6, lines 47-53; col. 8, lines 62-col. 9, line 4). Further still, Anderson et al. ('431) shows that when a number of photographs are not adequate to fill a complete page (series), the photographs are displayed sequentially without gaps between photos (Fig. 12a, last row of photos). Anderson et al. ('431) does not teach the capability to delete a photograph or that remaining photographs are shifted to complete the series from which one photograph has been deleted.

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However, Dow et al. ('291) teaches by incorporation (col. 1, lines 15-17; Dow et al.: U.S. Pat. No. 6,292,273) deleting a page (photograph) from a group (series) (col. 8, lines 41-43). Furthermore, Dow et al. ('273) teaches dynamically updating the display by shifting a photograph to account for the deleted photograph (col. 10, lines 18-27; Fig. 9c, elements 182, 184, and 186). Clearly, deleting a photograph in a series would leave a gap between remaining images displayed in the series; with repeated deletions, these gaps would become large and would greatly minimize the number of images displayed in the series. By combining the teaching of Anderson et al. ('431) and Dow et al. ('273) it would have been obvious to one of ordinary skill in the art at the time of the invention to shift remaining photographs from a series to complete the series after a photograph has been deleted in order to eliminate large gaps between images displayed in the series.

**Claims 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (U.S. Pat. No. 6,563,542), in view of Anderson et al. (U.S. Pat. No. 6,097,431), in view of examiner's Official Notice, in view of Ludwig et al. (U.S. Pat. No. 5,689,641), and further in view of Allen et al. (U.S. Pat. No. 5,737,491).**

Regarding claim 20, Hatakenaka et al., Anderson et al. ('431), and Ludwig et al. do not teach a payment means associated with the printing means. However, Allen et al. does teach payment means associated with a printing means (col. 4, line 66-col.5, line 3; Fig. 1). It would have been obvious to provide



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the payment means of Allen et al. with the printing means of Hatakenaka et al. in order to charge a user a fee to have pictures taken with the electronic camera of Hatakenaka et al. printed professionally. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the printing payment means of Allen et al. with the printing means of Hatakenaka et al. for the purpose of charging a user a fee to have pictures professionally printed.

Regarding claim 21, Hatakenaka et al., Anderson et al. ('431), and Ludwig et al. do not teach a means for writing a CD-ROM. However, Allen et al. teaches means for writing a CD-ROM (col. 3, lines 44-48; Fig. 1). It would have been obvious to provide means to write a CD-ROM for the purpose of recording pictures to an inexpensive and rugged media suitable for manipulation by a computer. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide means to write a CD-ROM for the purpose of recording pictures to an inexpensive and rugged media suitable for manipulation by a computer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
7/24/2004



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600